

## **REMARKS/ARGUMENTS**

Claims 1-13, inclusive, remain in this application, with Claim 13, a reinstated recitation of the original Claim 1, being added in the foregoing amendment. While no Claims have been allowed, the Examiner has re-indicated the presence of allowable subject matter recited in dependent Claims 4, 6, 10 and 12, if rewritten in independent form. Applicants acknowledge the Examiner's indication of allowable subject matter in these dependent Claims, but forgoe rewriting them in independent form at this time in view of the submission of Applicants' Declaration Under 37 CFR 1.131 that is filed herewith and deemed effective in antedating Del Bianco et al. (EP 1 107 041 A1), the only prior art reference applied in this case.

The Applicants' "Rule 131" Declaration together with its Exhibits evidence a showing of facts, sufficient in character and weight, as to establish conception of the present invention in this country prior to June 14, 2001, the effective date of the Del Bianco et al. reference, coupled with due diligence from prior to that effective date to the subsequent actual reduction to practice of the invention in this country on or about September 25, 2001 followed further by the filing of the present application on December 27, 2001. The Declaration together with its supporting Exhibits presents a clear and convincing showing of facts that prove that the Applicants conceived the invention prior to the June 14, 2001 publication date of the Del Bianco et al. reference and were diligent in reducing the invention to practice, in both an actual and constructive manner, from just prior to that date. Accordingly, the Declaration Under 37 CFR 1.131 submitted and filed herewith is deemed sufficient to antedate and overcome the Del Bianco et al. reference and remove it as a prior art in this case.

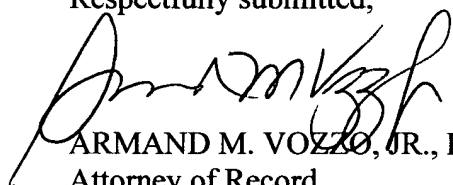
Claims 1, 2, 7 and 8 stand rejected under 35 U.S.C. 102(a) as being anticipated by Del Bianco et al (EP 1 107 041 A1). This rejection is now respectfully denied particularly in view of the Declaration Under 37 CFR 1.131 that is filed herewith by the Applicants. In view of the Applicants' Rule 131 Declaration, therefore, the prior art rejection of Claims 1, 2, 7 and 8 based on the Del Bianco et al. reference should be withdrawn.

Claims 3, 5, 9, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Del Bianco et al. The rejection of these dependent Claims as obvious in view of the applied reference is now respectfully denied, especially in view of the Applicants' Rule 131 Declaration, and accordingly, this prior art rejection should be withdrawn.

Additional Claim 13 is a reinstatement of the original version of Claim 1 as it appeared in the application as initially filed, with no "new matter" or changes whatsoever in its recitation. Accordingly, no new search is warranted and no new ground for its rejection should be made.

In view of this Response, therefore, and particularly the Declaration Under 37 CFR 1.131 and these associated Remarks, it is submitted that all grounds for the rejection of the application have been removed, and that Claims 1-13, inclusive, as now presented, are in condition for allowance. Prompt reconsideration and timely allowance of the application are therefore earnestly solicited.

Respectfully submitted,



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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, PO BOX 1450, Alexandria, VA 22313-1450, on January 12, 2007.

Date: 1-12-07

  
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